

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 00-80581

v.

PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

JEFFREY MESSINA,

Defendant,

\_\_\_\_\_ /

ORDER DENYING DEFENDANT'S MOTION  
TO TERMINATE OR MODIFY SUPERVISED RELEASE

Defendant filed a Motion to Terminate or Modify Supervised Release, pursuant to 18 U.S.C. § 3583(e)(1), which permits a court to:

(1) terminate a term of supervised release and discharge the defendant at any time after the expiration of one year of supervised release . . . if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.

Defendant pled guilty to a distribution of marijuana and cocaine conspiracy, 28 U.S.C. § 841(a)(1), and on July 2, 2001, this Court sentencing him to a 78 month term of incarceration to be followed by a 5 year term of supervised release.

Defendant began serving his supervised release term on December 2, 2005, and has now served close to three years.

The Government response opposes Defendant's requests noting that the Defendant pled guilty to a conspiracy to possess with intent to distribute a very large quantity of marijuana and

cocaine.

On July 31, 2003, the Court reduced defendant's sentence by 6 months.

Defendant seeks to relocate to Mexico, the site of the marijuana source for 6 years.

Defendant is not permitted to do so under his terms of supervised release.

The Court notes that Defendant's prior convictions involve firearms.

The Court has read Defendant's assertions regarding his child and his wife. At the same time, the Court has read and evaluated Defendant's criminal history, and the Government's response.

Having evaluated Defendant's pleadings and the Government's response, the Court, in the exercise of its discretion, concludes that the interest of justice is served by not reducing Defendant's term of supervised release.

SO ORDERED.

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: September 26, 2008

#### CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on September 26, 2008.

s/Denise Goodine  
Case Manager